



P.O. Box 41232
Austin, TX 78704

To: City of Austin Planning Commission

From: Galindo Elementary Neighborhood Association (GENA) Executive Committee

Date: August 25, 2020

Re: C14-2020-0067 - Opposition to Application for Rezoning 3504 S. 1st Street

Introduction of GENA:

The Galindo Neighborhood boundaries are Oltorf Street on the North, Ben White on the South, the Union Pacific Railway on the West and South First Street on the East.

The purpose of the Association is to seek to improve the quality of life in the neighborhood in matters such as land use, traffic control, social functions, environmental protection, public services, and other matters of neighborhood concern.

Membership in the Galindo Neighborhood Association (GENA) is open to anyone who resides within association boundaries and to residential property owners within those boundaries.

The Proposed Zoning Change & the Re-Development of the Mercury Hall Site:

Slate Real Estate Partners (“Slate”) have contracted with Merc Properties LTD (“Merc Properties”) to purchase 3504 S. 1st St., which is 0.842 acres of land adjacent to the well-known wedding and event venue, Mercury Hall—a true Austin staple. 3504 S. 1st is the subject of the requested zoning change.

Notably, Slate has also contracted with Merc Properties to purchase the actual Mercury Hall site, which lies on 2.9377 acres of land. Slate has expressed their intent to build a **275-350 unit apartment complex with a 5-level parking garage with 300+ parking spots** on these two adjacent tracts of land.¹ There will be two entrance/exit locations—one on Cardinal Lane and one on South 1st St.

¹ Slate has also contracted with Merc Properties to purchase a third tract of land that is across the street. Slate has expressed their intent to turn this property into a park to fulfill part of their City of Austin parkland obligation/requirements.

In order for Slate to build this massive apartment complex and parking garage covering both tracts of land, the current zoning at 3504 S. 1st must be changed from CS-CO to CS-MU-V-CO to allow for the redevelopment of the site as a mixed-use project. In addition, the conditional overlay that restricts the building height to 40 feet and limits the vehicle trips per day must also be lifted/removed.

This proposed sale is targeted to close in the Summer of 2021. Slate estimates the proposed apartment complex development will take approximately 22 months to complete.

The History and Rationale Behind the Current Zoning of 3504 S. 1st St.:

3504 S. 1st St. is at the crest of a hill on the west side of S. 1st St. and currently consists of one house, some trees, and a space for overflow parking for Mercury Hall events. To the west lies the Galindo neighborhood and single family homes and condos.

Prior to 2007, the property was an SF-3 zoned single family house. In 2007, Merc Properties requested a change of zoning from SF-3 to CS-CO in order "to expand the Mercury Hall use — primarily parking." See *Exhibit A: C14-06-0194 - Zoning Change Review Comments*. **Notably, the Commission did not require a traffic impact analysis at that time because Merc Properties agreed to limit the number of trips per day in and out of this particular property.** See *Exhibit A*.

The Planning Commission and City Council approved Merc Properties' zoning request with a conditional overlay that limits the height of buildings to 40 feet from grade and limits the number of trips per day to 2,000. The conditional overlay also prohibits several uses not compatible with residential uses such as vehicle storage, automobile rental, bail bond services, etc. See *Exhibit B: Ordinance No. 20070405-043*.

In 2008, certain tracts of land along S. 1st St. were rezoned to add vertical mixed use ("VMU"). See *Exhibit C: Ordinance No. 20080110-097*. GENA supported this rezoning effort for some future commercial development and voted to support VMU zoning at many properties along S. 1st St. **However, GENA did not support VMU at 3504 S. 1st St. and specifically excluded this property from the VMU rezoning effort. City Council approved the exclusion of 3504 S. 1st St. and many other land tracts along S. 1st St. that were not suitable for VMU.** See *Exhibit C*.

Since then, GENA representatives have discussed this tract of land with interested developers, and GENA has maintained the position that the limited zoning on this particular tract of land should remain the same due to several neighborhood concerns that are outlined below.

Meetings Between GENA & Slate Representatives:

- Via Zoom on June 29, 2020, the GENA Executive Committee met with Slate's representatives to learn more about the proposed rezoning and the sole purpose of the rezoning: the development of a 275-350 unit apartment complex.
- Via Zoom on July 27, 2020, The GENA Executive Committee then held its scheduled general neighborhood meeting.
- Via telephone on July 28, 2020, GENA and the 707 Cardinal Lane Condominium Board appeared before the Planning Commission to request a postponement of the Planning Commission's hearing and decision on this important zoning change. The residents and

owners needed more time to learn more about the zoning change request and potential impact on the community. GENA also noted that Covid-19 has made neighborhood meetings and announcements more challenging. The hearing was postponed to August 25, 2020.

- Via Zoom on August 10, 2020, the GENA Executive Committee then set up an informative Q&A meeting with the general membership (members and non-members that live in the neighborhood) and Slate representatives. At this meeting, the residents and members learned more about the zoning request and larger purpose of the request. They asked many pertinent questions, expressed concerns and provided some feedback. See *Exhibit D: Zoom Chat History from GENA/Slate Meeting on 8/10/20*.

GENA's Concerns Re: Zoning Change & the 275-350 Unit Apartment Complex:

After discussions with Slate and the neighborhood association, GENA strongly opposes the zoning change request that will allow the proposed 275+ unit apartment complex to take the place of Mercury Hall. GENA's concerns are as follows:

1) The Development Will Be Devastating to the Current Trees on the Mercury Hall Tract:

Mercury Hall is known for its picture-perfect landscape boasting an abundance of heritage trees, including Live Oaks, Cedar and Elm trees. See *Exhibit E: Mercury Hall Photos and Aerial View*. An aerial view shows the beautiful and coveted canopy of trees over the Mercury Hall tract. See *Exhibit E*.

A massive apartment complex with the type of density proposed will significantly alter the scenery of this part of Galindo and it will ruin this special piece of Austin. To build this type of commercial structure and a 5-level parking garage on this land, it is undeniable that trees, including heritage trees that are hundreds of years old, will have to be cleared and removed. There are countless other tree-less and industrial lots (with current VMU zoning already) that this type of development would be much better suited for.

2) The Large Apartment Complex Is Not Compatible with the Surrounding Neighborhood:

Surrounding Mercury Hall and 3504 S. 1st are single family homes and one small apartment complex:

- West: The 707 Cardinal Lane Condominiums consists of just 30 townhome-like condos on 2.99 acres of land (averaging 10 units per acre). Notably, it is situated downhill from Mercury Hall. For this particular development, the developer clustered the condos into four-plexes, duplexes, and stand-alone homes and maintained the landscape of the beautiful heritage trees.
- West: Gamez Cove is due west of 3504 S. 1st and is a cul-de-sac street consisting of approximately nine single-family homes and duplexes. It also sits on a much lower grade than 3504 S. 1st St.
- Northwest: On the north side of Cardinal Lane, there are a row of street-facing single-family homes with ADUs.
- South: The Old South Apartments are just south of 3504 S. 1st. with just 50-100 units on 1.94 acres (averaging at most 50 units per acre).

Slate is proposing an incompatibly dense complex that will **tower over** the surrounding homes at 60 feet from grade and it will consist of 275-350 units on 3.78 acres (averaging 75-92 units per acre).

While there are some existing apartments in this area of Galindo on S. 1st St., none consist of this many units on such a small tract of land.

3) The Increased Traffic at Nearby Intersections and Surrounding Streets Would Result in Major Traffic Congestion:

There is a long history of traffic issues and congestion on South 1st. Simply put, it is not a South Lamar or South Congress type of corridor street. It does not have a middle turning lane, there are no bike lanes, and the deteriorating and incomplete sidewalks are extremely narrow. In addition, there are several blind hills, particularly at the turn into 3504 S. 1st and at the S. 1st and Cardinal Ln. intersection that does not have a traffic light. See *Exhibit F: Photos of S. 1st St. and Cardinal Lane*.

Many residents that use the Cardinal Lane and S. 1st intersection on a daily basis describe this intersection as “dangerous,” “unsafe,” “congested,” and “impossible” to navigate at certain times of the day. On typical weekday mornings, traffic on Cardinal Lane backs up 10-15 cars into the neighborhood as drivers attempt to make a left turn from the stop sign onto S. 1st to head downtown. Even a right turn from Cardinal onto S. 1st towards Ben White/Hwy 71 is problematic because many drivers are attempting to access the nearby highways during both rush hours. See *Exhibit F*.

To make matters worse, there is also a blind hill on Cardinal Lane as you approach S. 1st, which makes it hard for drivers to see stopped traffic that has accumulated. See *Exhibit F*.

In addition, north-bound drivers coming from Ben White have limited visibility as they crest a hill and approach the area of 3504 S. 1st and Cardinal Lane. Traffic often comes to a complete stop at S. 1st and Cardinal Lane when someone is attempting to make a left turn into the neighborhood. There is no turning lane (and no room to add one), making it a very dangerous left turn. See *Exhibit F*.

There is also a concern with the potential closing of Dawson Elementary. If that actually happens, we expect to see increased pedestrian and car traffic to and from Galindo Elementary at peak hours, especially in the mornings, that will add to the current congestion problems. Adding a huge apartment complex at this corner will exponentially increase these issues.

We also know that due to traffic congestion at this intersection, residents now “cut through” the S. 5th residential street as an alternate route to head north to downtown. There are speed bumps on S. 5th to slow down the traffic, but this narrow two-way street cannot handle *even more* cut-through traffic and congestion.

Again, this traffic is already an issue at peak hours, and adding 275-350+ residents to this particular intersection will exacerbate the already overwhelming neighborhood traffic issues. The particular intersection at S. 1st and Cardinal is just not conducive to this type of development. We highly encourage a full traffic impact analysis before a decision is made on this zoning proposal.

4) The Increased Traffic at Nearby Intersections and Surrounding Streets Would Result in Unsafe Neighborhood Conditions:

We are also concerned about the general safety of the residents in this area. Again, there are no bike lanes on S. 1st or on Cardinal Lane, and the sidewalks are inadequate for more pedestrian traffic that often includes children and may include more children with potential elementary school closings. If children from the Dawson neighborhood have to attend Galindo Elementary, they will have to cross S. 1st St, which can already be a very dangerous task.

In addition, there is an EMS station on S. 1st and S. Center St., which is just south of 3504 S. 1st. Adding traffic congestion to this area could interfere with emergency vehicle access onto S. 1st and into the Galindo neighborhood.

5) There Are Potential Drainage Issues for Surrounding Downhill Properties:

The 707 Cardinal Lane Condominiums and Gamez Cove sit downhill from Mercury Hall. It is a significant hill, and the 707 Cardinal Lane residents have had drainage issues of their own due to the large downward grade in the early stages of that development. Removing the current canopy of trees, significantly reducing the existing permeable land and adding a large apartment complex and 5-story parking garage will dramatically affect the drainage in this area. It is speculative as to what potential drainage issues may affect the surrounding neighbors, but it is a very valid concern.

In conclusion, GENA opposes the zoning request to change the 3504 S. 1st St. zoning from CS-CO to CS-MU-V-CO. There is a clear history and there are valid reasons as to why all of S. 1st St. is NOT zoned for VMU. And, there is a history and explanation for the current conditional overlay on this particular tract of land. GENA understands that Austin is rapidly growing, and it is not opposed to compatible and neighborhood-friendly commercial development along S. 1st at the appropriate locations. However, for all of the reasons outlined above, this is a zoning change that GENA must oppose.

/s Marshall Davis

Marshall Davis, President, GENA
512-443-4030
president@gena.org

/s Monica Guerrero

Monica Guerrero, Zoning Chair, GENA
512-944-0101
zoning@gena.org

Enclosures:

Exhibit A: C14-06-0194 - Zoning Change Review Comments

Exhibit B: Ordinance No. 20070405-043

Exhibit C: Ordinance No. 20080110-097

Exhibit D: Zoom Chat History from GENA/Slate Meeting on 8/10/20

Exhibit E: Mercury Hall Photos and Aerial View

Exhibit F: Photos of S. 1st St. and Cardinal Lane



ZONING CHANGE REVIEW SHEET**CASE:** C14-06-0194 Mercury Hall**PC Date:** March 13, 2007
March 27, 2007**ADDRESS:** 3504 South First Street**OWNER/APPLICANT:** Merc Properties (Daryl Kunik)**AGENT:** LOC Consultants (Sergio Lozano-Sanchez)**ZONING FROM:** SF-3**TO:** CS-CO**AREA:** 0.842 acres**STAFF RECOMMENDATION:**

Staff recommends approval General Commercial Services – Mixed Use – Conditional Overlay combining district zoning. The conditional overlay would

- 1) limit the total daily vehicle trips to less than 2000 per day
- 2) limit the height to a maximum of 40' and
- 3) prohibit the following uses:

- | | |
|---------------------------------|----------------------------------|
| • Adult-Oriented Businesses | • Bail Bond Services |
| • Automobile Rental | • Commercial Blood Plasma Center |
| • Automotive Repair | • Convenience Storage |
| • Automobile Sale | • Pawn Shop Services |
| • Automobile Washing (any kind) | • Vehicle Storage |

PLANNING COMMISSION RECOMMENDATION:

March 13, 2007: Postponed to March 27, at the request of the neighborhood.

March 27, 2007: Approved staff's recommendation of CS-CO on consent (9-0)

DEPARTMENT COMMENTS:

The site is an SF-3 zoned single family house on South First Street. The applicant has requested a change of zoning from Family Residence (SF-3) district zoning to General Commercial Services-Conditional Overlay (SC-CO) combining district zoning.

To the south and east of the site are MF-3 zoned apartment. To the west lies the Galindo neighborhood, and single family homes. Mercury Hall is to the south.

The intent of the applicant is to expand the Mercury Hall use – primarily parking.

Staff support the rezoning request, with the conditions listed above.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family House
<i>North</i>	CS	Mercury Hall – Small Civic Events Center
<i>South</i>	MF-3 and P	Apartments & Austin Water Utility Facility
<i>East</i>	LR-CO-NP and MF-3-NP	Office and Apartments
<i>West</i>	SF-3 and SF-6-CO	Single Family houses and Townhomes

AREA STUDY: The property lies within the Galindo Neighborhood plan, currently underway.

TIA: A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

WATERSHED: East and West Bouldin Creeks

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Galindo Elementary Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Home Builders' Association of Greater Austin
- Austin Independent School District

SCHOOLS: (AISD)

Galindo Elementary School Fulmore Middle School Travis High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
S. 1 st Street	80'	44'	Arterial	No	Yes	Yes

CITY COUNCIL DATE:

ACTION:

April 5, 2007

ORDINANCE READINGS:

1st

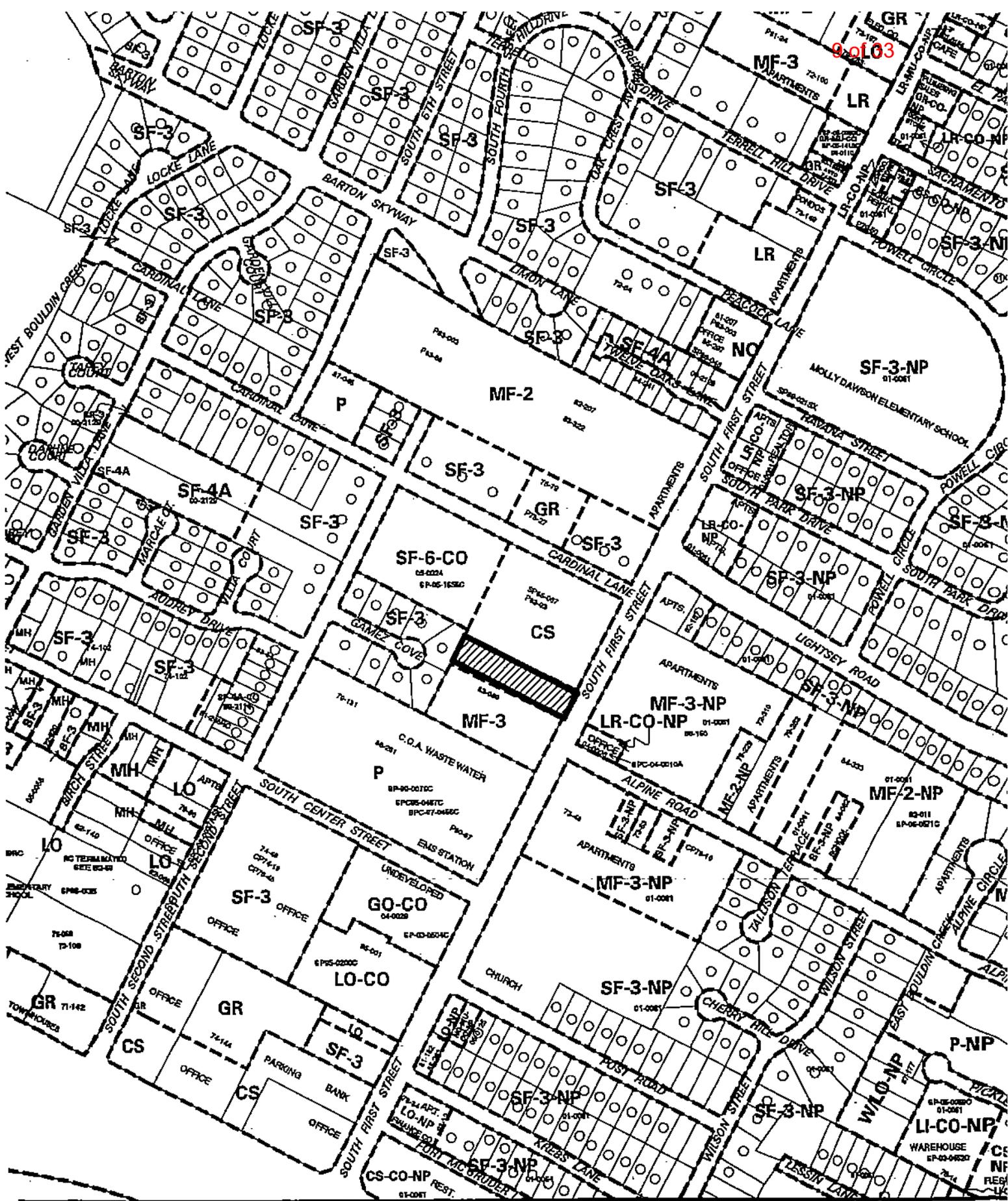
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



9.0103



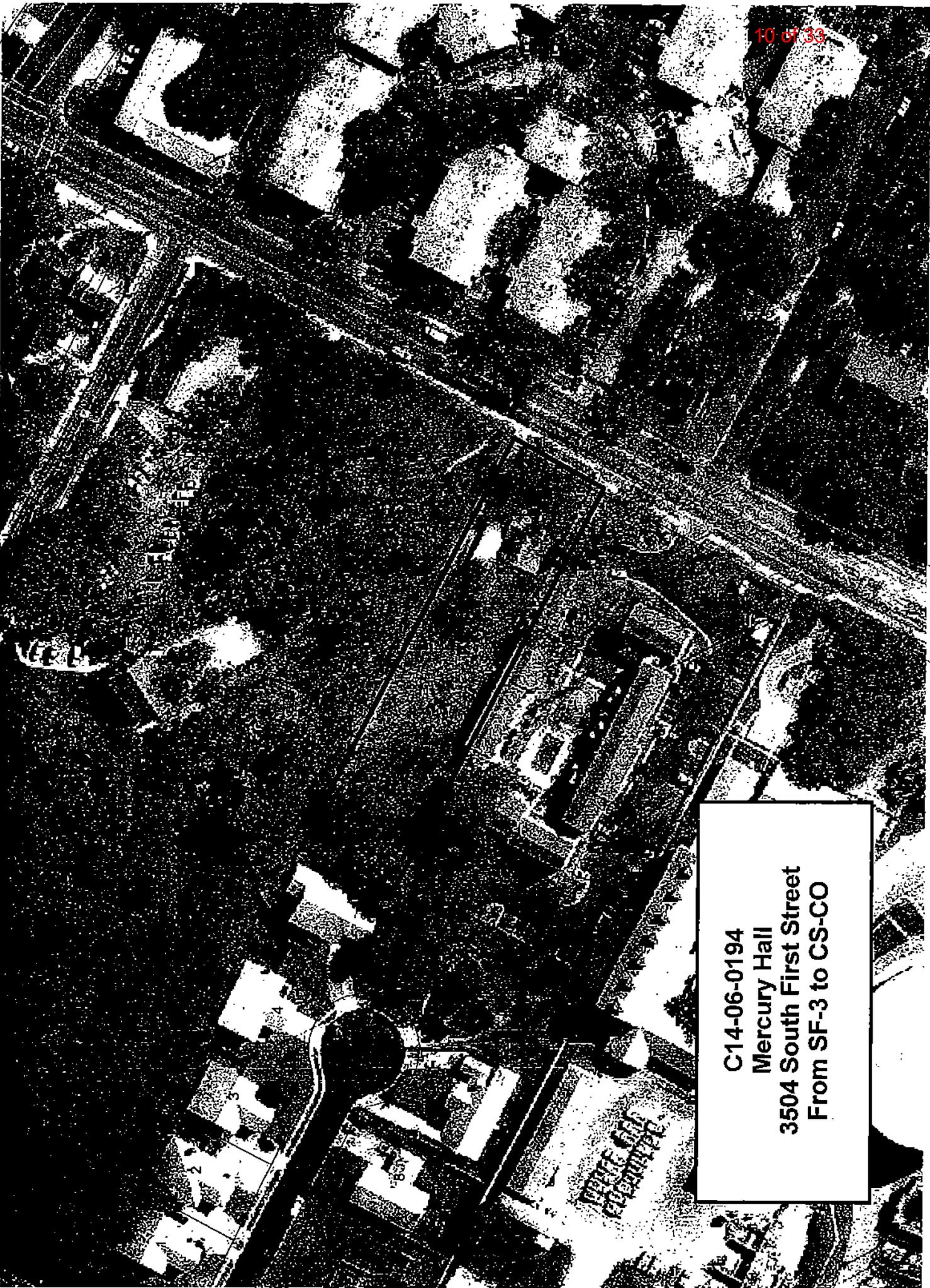
SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: R. HEIL

CASE #: C14-06-0194
 ADDRESS: 3504 S 1ST ST
 SUBJECT AREA (acres): 0.842

ZONING

DATE: 08-11
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 H19



C14-06-0194
Mercury Hall
3504 South First Street
From SF-3 to CS-CO

SUMMARY STAFF RECOMMENDATION

Staff recommends approval General Commercial Services – Mixed Use – Conditional Overlay combining district zoning. The conditional overlay would

- 1) limit the total daily vehicle trips to less than 2000 per day
- 2) limit the height to a maximum of 40' and
- 3) prohibit the following uses:

- Adult-Oriented Businesses
- Automobile Rental
- Automotive Repair
- Automobile Sale
- Automobile Washing (any kind)
- Bail Bond Services
- Commercial Blood Plasma Center
- Convenience Storage
- Pawn Shop Services
- Vehicle Storage

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. *Granting of the request should result in an equal treatment of similarly situated properties.*

CS zoning exists to the site to the north. The extension of CS zoning to this site is appropriate, with the conditions to limit height and trips and prohibiting uses incompatible with nearby residential uses.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 5,552 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
S. 1 st Street	80'	44'	Arterial	No	Yes	Yes

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in both the East Bouldin and West Bouldin Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

This site is subject to compatibility development regulations, and must comply with height and setback regulations for compatibility.

Water and Wastewater

The site is served with City of Austin water and wastewater utility service. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

ORDINANCE NO. 20070405-043

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3504 SOUTH FIRST STREET FROM FAMILY RESIDENCE (SF-3) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-06-0194, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.847 acre tract of land, more or less, out of Lot 2, Block 2, Freewater Addition, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 3504 South First Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

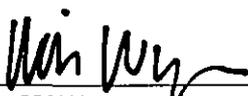
- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. Development of the Property may not exceed a height of 40 feet from grade level.
- C. The following uses are prohibited uses of the Property:

Adult-oriented businesses	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any kind)	Bail bond services
Commercial blood plasma center	Convenience storage
Pawn shop services	Vehicle storage

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on April 16, 2007.

PASSED AND APPROVED

<p>_____ April 5 _____, 2007</p>	<p>§ § §</p>	<p>_____  _____ Will Wynn Mayor</p>
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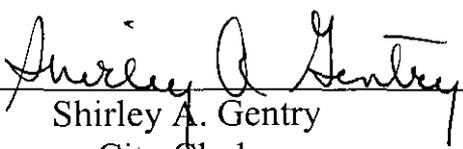
<p>APPROVED: _____  _____</p>	<p>ATTEST: _____  _____</p>
<p>David Allan Smith City Attorney</p>	<p>Shirley A. Gentry City Clerk</p>

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 0.847 OF AN ACRE TRACT OF LAND OUT OF LOT TWO (2), BLOCK "2", OF THE FREEWATER ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DEPICTED IN THE INSTRUMENT RECORDED IN VOLUME 2, PAGE 235, OF THE PLAT RECORDS OF SAID COUNTY, CONSISTING OF TWO (2) TRACTS: TRACT ONE (1) BEING THE SAME PROPERTY CONVEYED BY CHARLES S. HARRISON ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., AS DESCRIBED BY THE INSTRUMENT RECORDED IN VOLUME 683, PAGE 328, OF THE DEED RECORDS OF SAID COUNTY, AND BY J.W. PITMAN ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., AS DESCRIBED BY THE INSTRUMENT RECORDED IN VOLUME 1359, PAGE 443, OF THE DEED RECORDS OF SAID COUNTY, AND TRACT TWO (2) BEING THAT SAME TRACT OF LAND CONVEYED BY CHARLES S. HARRISON ET. UX., TO LOUIS SHERMAN BOLIEU ET. UX., BY THE INSTRUMENT RECORDED IN VOLUME 714, PAGE 258, OF THE DEED RECORDS OF SAID COUNTY, SAID 0.847 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch rebar found in the West line of South First Street, same being the southeast corner of a tract of land for Mercury Hall, Inc., as described by the instrument recorded in Volume 13108, Page 1013, of the Real Property Records of Travis County, for the northeast corner of the aforementioned Tract 2, and the northeast corner hereof;

THENCE, South 30°06'30" West, with said right of way, a distance of 90.17 feet to an "X" mark found inscribed on a concrete footer, for the northeast corner of a tract of land for Alori Properties 3508 South 1st Street, Ltd. & 213 West Fourth Street Partners, as described by the document recorded as Document No. 2001143503, in the Official Public Records of Travis County, for the southeast corner of the aforementioned Tract 1, and the southeast corner hereof;

THENCE, North 59°44'14" West, with the northerly line of the aforementioned Alori Properties tract, for a distance of 409.31 feet to a 1/2 inch rebar found in the easterly line of the Amended Plat of the Gamez Subdivision, as depicted by the instrument recorded in Book 82, Page 227, of the Plat Records of Travis County, for the northwest corner of said Alori Properties tract, the southwest corner of Tract 1, and the southwest corner hereof;

THENCE, North 29°49'58" East, with the easterly line of the aforementioned Gamez Subdivision, a distance of 90.08 feet to a nail found in concrete for the southwest corner of the aforementioned Mercury Hall tract, same being the northwest corner of Tract 2, and the northwest corner hereof;

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NOV 14 2006

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

P. MACHADO

THENCE, South 59°45'00" East (Bearing Basis), with the southerly line of the said Mercury Hall tract a distance of 409.74 feet to the PLACE OF BEGINNING, and containing a calculated area of 0.847 acres of land;

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANYING SURVEY PLAT ONLY.

[Handwritten Signature] 1-19-05
Victor M. Garza R.P.L.S. 4740 Date

B & G Surveying, Inc.
1404 W. North Loop Blvd
Austin, Texas
75756
(512)-458-6969



Job#: B0312704_TA

Page 2 of 2

NOV 14 2006

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

[Handwritten Signature: Dana DeBeauvoir]

2006 Apr 01 03:31 PM 2005055957

KNOWLES \$22.00
DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy:

[Handwritten Signature]
P. MACHADO

ORDINANCE NO. 20080110-097

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A VERTICAL MIXED USE BUILDING (V) COMBINING DISTRICT TO CERTAIN TRACTS AND TO AMEND THE ZONING MAP TO CHANGE THE BOUNDARIES OF THE VERTICAL MIXED USE OVERLAY (VMU) DISTRICT TO EXCLUDE TRACTS 1 AND 16 LOCATED IN THE GALINDO NEIGHBORHOOD PLANNING AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a vertical mixed use building (V) combining district to certain tracts (the "Property") described in Zoning Case No. C14-2007-0238, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 17.3 acres of land in the City of Austin, Travis County, Texas, as shown on in the tract map attached as Exhibit "A" (*Galindo Planning Area*),

located in the Galindo neighborhood planning area, locally known as the area bounded by West Oltorf Street on the north, South 1st Street on the east, Ben White Boulevard on the south, and the Union Pacific Railroad tracks on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B" (*the Zoning Map*).

PART 2. The zoning district is changed from neighborhood office (NO) district, limited office (LO) district, limited office-conditional overlay (LO-CO) combining district, general office-conditional overlay (GO-CO) combining district, community commercial (GR) district, community commercial-conditional overlay (GR-CO) combining district, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district, general commercial services (CS) district, and commercial-liquor sales (CS-1) district to neighborhood office-vertical mixed use building (NO-V) combining district, limited office-vertical mixed use building (LO-V) combining district, limited office-vertical mixed use building-conditional overlay (LO-V-CO) combining district, general office-vertical mixed use building (GO-V) combining district, community commercial-vertical mixed use building (GR-V) combining district, community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district, community commercial-mixed use-vertical mixed use building-conditional overlay (GR-MU-V-CO) combining district, general commercial services-vertical mixed use building (CS-V) combining district, and

commercial-liquor sales-vertical mixed use building (CS-1-V) combining district, as more particularly described and identified in the chart below:

Tract #	TCAD Property ID	COA Address	FROM	TO
2	303780	2408 S 1ST ST	CS	CS-V
3	303781	2414 1/2 S 1ST ST	CS	CS-V
		2414 S 1ST ST		
4	303674	2436 S 1ST ST	CS-1	CS-1-V
		2432 S 1ST ST		
		2428 S 1ST ST		
		2424 S 1ST ST		
		2420 S 1ST ST		
5	305700	2448 S 1ST ST	CS	CS-V
6	305701	2516 S 1ST ST	GR-CO; LO-CO	GR-V-CO; LO-V-CO
	305704	2510 S 1ST ST	GO-CO	GO-V-CO
	464553	ABS 8 SUR 20 DECKER I ACR 1.115	LO-CO	LO-V-CO
7	305798	2602 S 1ST ST	LO	LO-V
8	305799	2604 S 1ST ST	LO	LO-V
9	305800	2606 S 1ST ST	LO	LO-V
	305801	2608 S 1ST ST	LO	LO-V
10	305804	604 CUMBERLAND RD	GR	GR-V
11	Portion of 305732	15 X 116.49FT BLK F OAK RIDGE HEIGHTS SEC 1	LO	LO-V
12	305733	2700 S 1ST ST	LO	LO-V
13	305734	LOT 5 * LESS E 10FT BLK F OAK RIDGE HEIGHTS SEC 1	LO	LO-V
14	305736	2706 S 1ST ST	LO	LO-V
15	Portion of 305740	2804 S 1ST ST	GR	GR-V
	305752	2810 S 1ST ST	GR	GR-V
17	305746	2910 S 1ST ST	GR	GR-V
18	307467	3036 S 1ST ST	NO	NO-V
19	307479	601 CARDINAL LN	CS	CS-V
20	587638	3704 S 1ST ST	GO-CO	GO-V-CO
		3700 S 1ST ST		
	587639	3808 S 1ST ST	LO-CO	LO-V-CO
		3710 S 1ST ST		
		3706 1/2 S 1ST ST		
	3706 S 1ST ST			

Tract #	TCAD Property ID	COA Address	FROM	TO
21	310019	3816 S 1ST ST	CS	CS-V
	310022	3828 S 1ST ST	CS	CS-V

PART 3. Except as specifically provided in this ordinance, the existing base zoning districts, combining districts, and other conditions remain in effect.

PART 4. The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical Mixed Use Buildings*) as follows:

- A. The Property is exempt from the dimensional standards identified in Article 4.3.3 E.2. (*Dimensional and Parking Requirements*).
- B. For property in office districts, the additional uses allowed under Article 4.3.3. C.2 (*Ground-Floor Commercial Uses Allowed*) apply.
- C. Ten percent of residential units available for rental in a vertical mixed use building shall be reserved for households earning no more than 60 percent of the Annual Median Family Income.

PART 5. The zoning map is amended to change the boundaries of the vertical mixed use (VMU) overlay district to exclude Tracts 1 and 16 located as shown in this Part and identified on Exhibit "A". Tracts 1 and 16 are not subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical Mixed Use Buildings*).

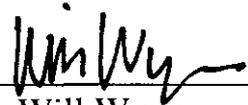
Tract #	TCAD Property ID	COA Address
1	303782	2406 S 1ST ST
		2400 S 1ST ST
		601 W OLTORF ST
		605 W OLTORF ST
16	715848	2908 S 1ST ST
		2906 S 1ST ST

PART 6. This ordinance takes effect on January 21, 2008.

PASSED AND APPROVED

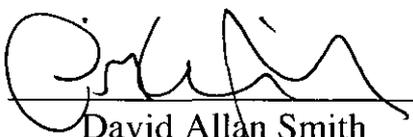
January 10 _____, 2008

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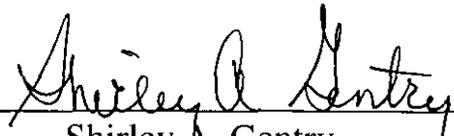
Will Wynn
Mayor

APPROVED:

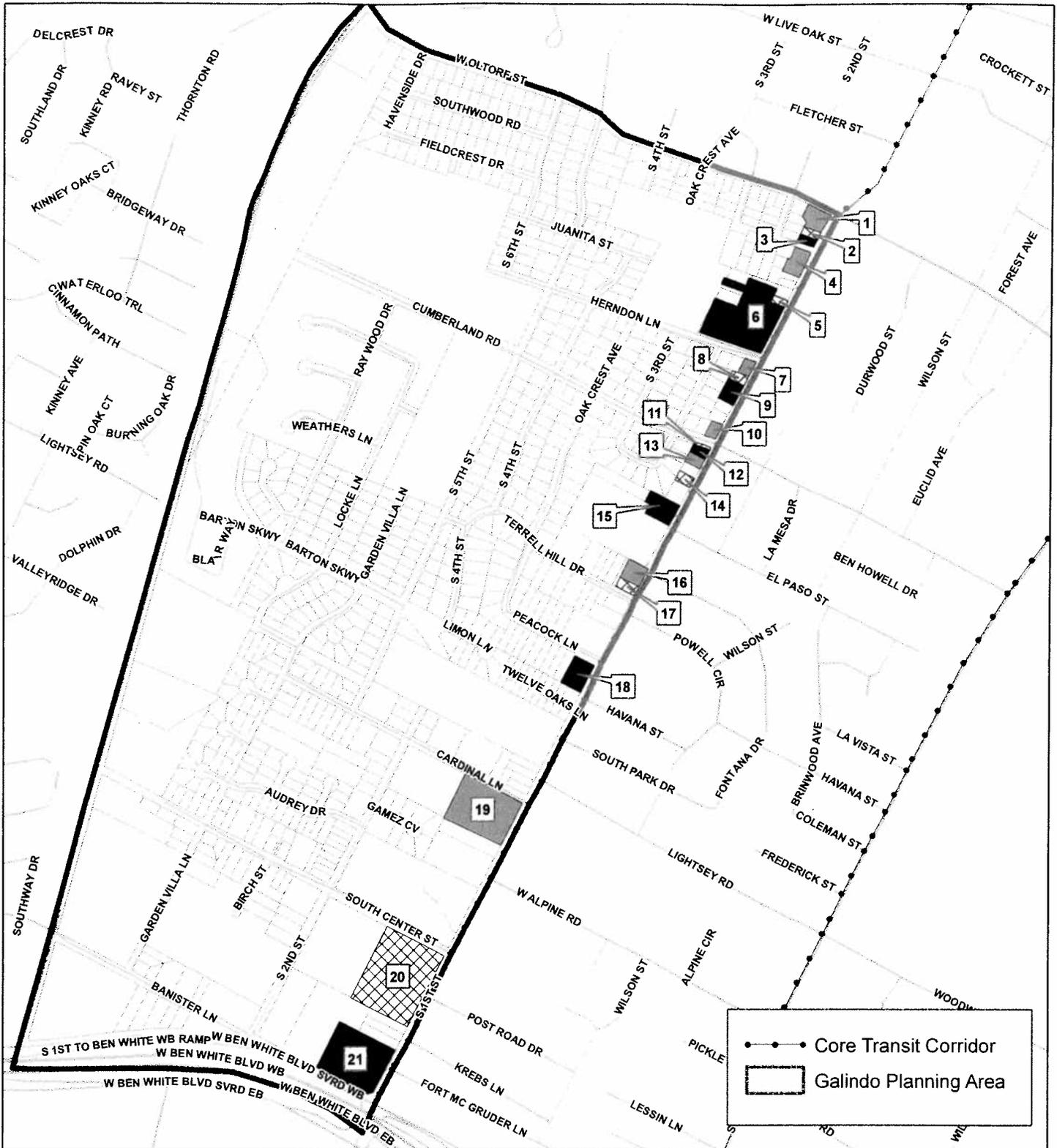


David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

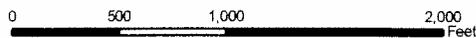


Galindo Neighborhood Planning Area
Vertical Mixed Use (VMU) Tract Map
VMU Overlay District (OPT-OUT Properties)
Case # C14-2007-0238

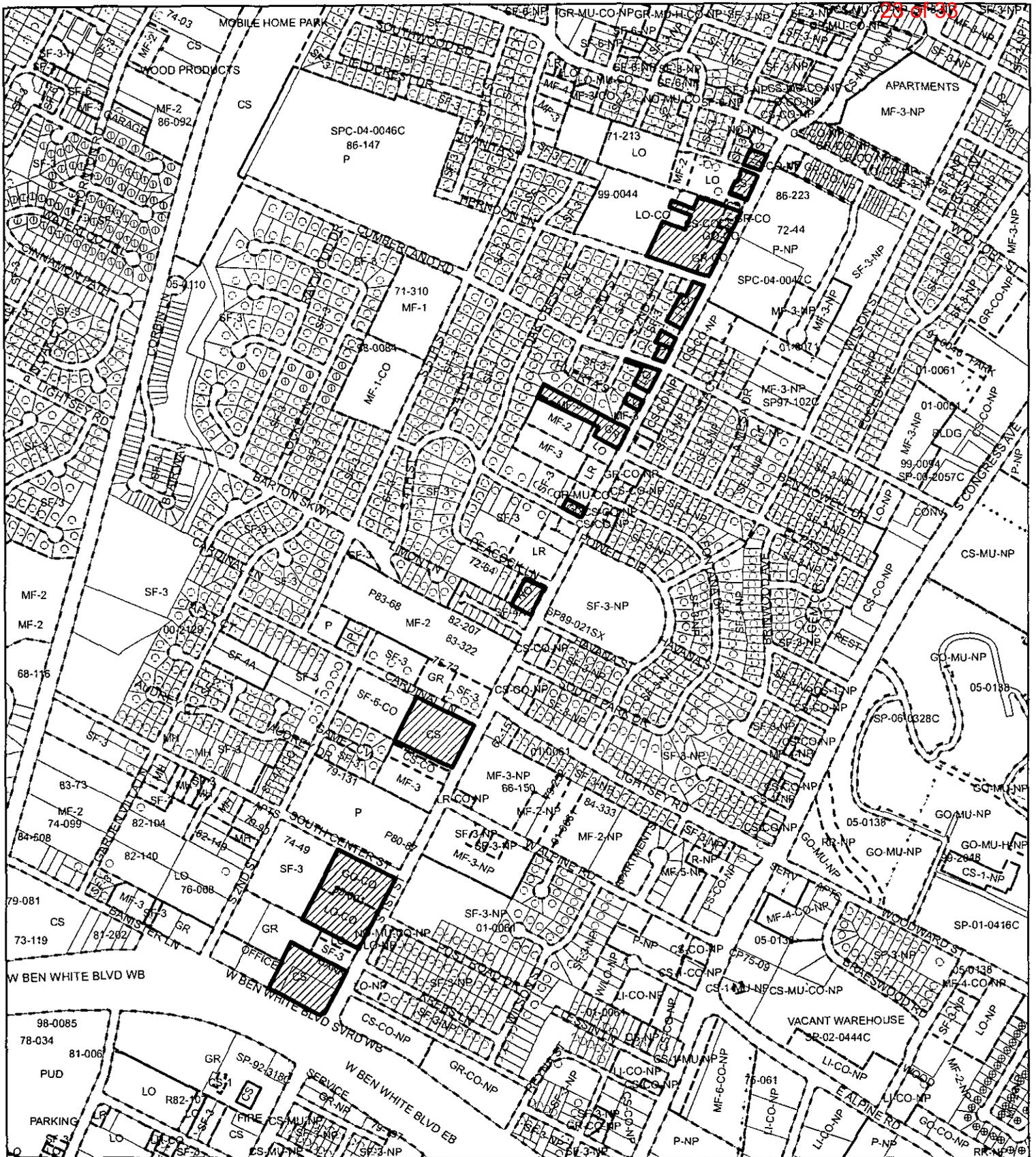
EXHIBIT A



Produced by City of Austin
 Neighborhood Planning and Zoning Dept.
 November 19, 2007



This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.



ZONING EXHIBIT B



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING CASE#: **C14-2007-0238**
 ADDRESS: **GALINDO NPA**
 SUBJECT AREA: **17.34 ACRES**
 GRID: **H19-20**
 MANAGER: **R. HEIL**



OPERATOR: **S. MEEKS**

1" = 800'

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

19:10:46 From Diana Zake : what is the relationship between slate and arbruster?

19:11:44 From Jewels Cain : Armbrust and Brown is the legal representation for Slate. We are helping with the zoning application process.

19:11:44 From Patty Sprinkle : interested in purchasing armbrust hired by Mercury Hall owner

19:12:40 From Diana Zake : thx

19:27:10 From David Shifrin : Is there consideration for ground level retail?

19:27:39 From Lori Perry : What is the total number of parking spaces in the garage?

19:31:07 From michelle amriel : Are you considering a traffic light on the corner of Cardinal ln/S 1st since this will bring in 275-300 people?

19:33:33 From Bruce Ney : so rezoning would remove the current height limit on the property and raise it to 60 ft correct?

19:36:16 From Abdulbadie Alyafi : Are there any voice mitigation measures planned for the rear of the parking lot facing the Cardinal Lane Condominiums? Thank you.

19:36:58 From Lori Perry : The drive that is proposed to exit onto S 1st will be a the highest point. Will that pose an issue for entering or exiting the project?

19:39:08 From Lori Perry : Where is the detention pond and what is being done in terms of drainage down into the neighborhood?

19:41:07 From Abdulbadie Alyafi : pardon, correct. I meant noise

19:42:27 From Jewels Cain : No worries! Thank you for the question.

19:44:57 From Diana Zake : does slate maintain ownership or sell the properties after development is complete? who manages the properties?

19:45:14 From Monica Guerrero : Same question I have.

19:46:23 From Lori Perry : Can you speak more about the park proposed across Cardinal? Will the house that is on the property remain?

19:46:59 From Monica Guerrero : Can you talk about the number of trips per day? How much will it change with the zoning change?

19:48:01 From Amy Jacobs : If Slate sells, will the new owner still be required to main 10% affordable units at 60% market rate?

19:48:28 From Monica Guerrero : What is the name of your apartment management company during the time you maintain the property?

19:49:44 From Diana Zake : please confirm link - go to <http://slaterep.com/> and select developments to see airport blvd and Cameron road developments

19:52:53 From Diana Zake : what is TIA?

19:54:00 From Marshall Davis : Traffic Impact Analysis

19:55:11 From Jewels Cain : A TIA is a Traffic Impact Analysis

19:55:15 From Bruce Ney : have any of you ever attempted a left turn off Cardinal on a typical/non-pandemic traffic days?

19:56:50 From michelle amriel : Curious about the noise level for the build out and what that entails. When you break ground, What is the estimated time for the build out? When are you expected to begin? What are the hours for the contractors to work in a day?

19:57:03 From Lori Perry : To Bruce: I would not attempt to turn left onto S 1st from Cardinal. The light at S 2nd will get more traffic as people utilize that intersection to go north on S 1st.

19:57:16 From rolando piña : This proposal of a Zoning change brings nothing but problems we Galindo Neighborhood do not need more development that brings more traffic and less tranquility. It looks like your company has done something that is not appreciated nor appropriate for a narrow South 1st Street. This change of Zoning is opportunity for more money few people and has nothing of value for the greater goodwill of our neighborhood. I strongly oppose this Zoning change that will increase development we DO NOT NEED OR WANT.

19:57:36 From michelle amriel : I'm concerned about the traffic on Cardinal ln/S 1st as well.

19:57:58 From rolando piña : Thank-you for all your details and gráficos.

19:58:05 From Jewels Cain : slaterep.com is the correct website

19:58:54 From rolando piña : I strongly opposed a Zoning change that will not benefit our neighborhood.

19:59:01 From Lori Perry : Is the developer aware of the changes proposed by AISD for the area elementary schools which will alter traffic patterns in the future?

20:05:03 From Lori Perry : Close Dawson and Joslin Elementary schools and move them to Galindo Elementary.

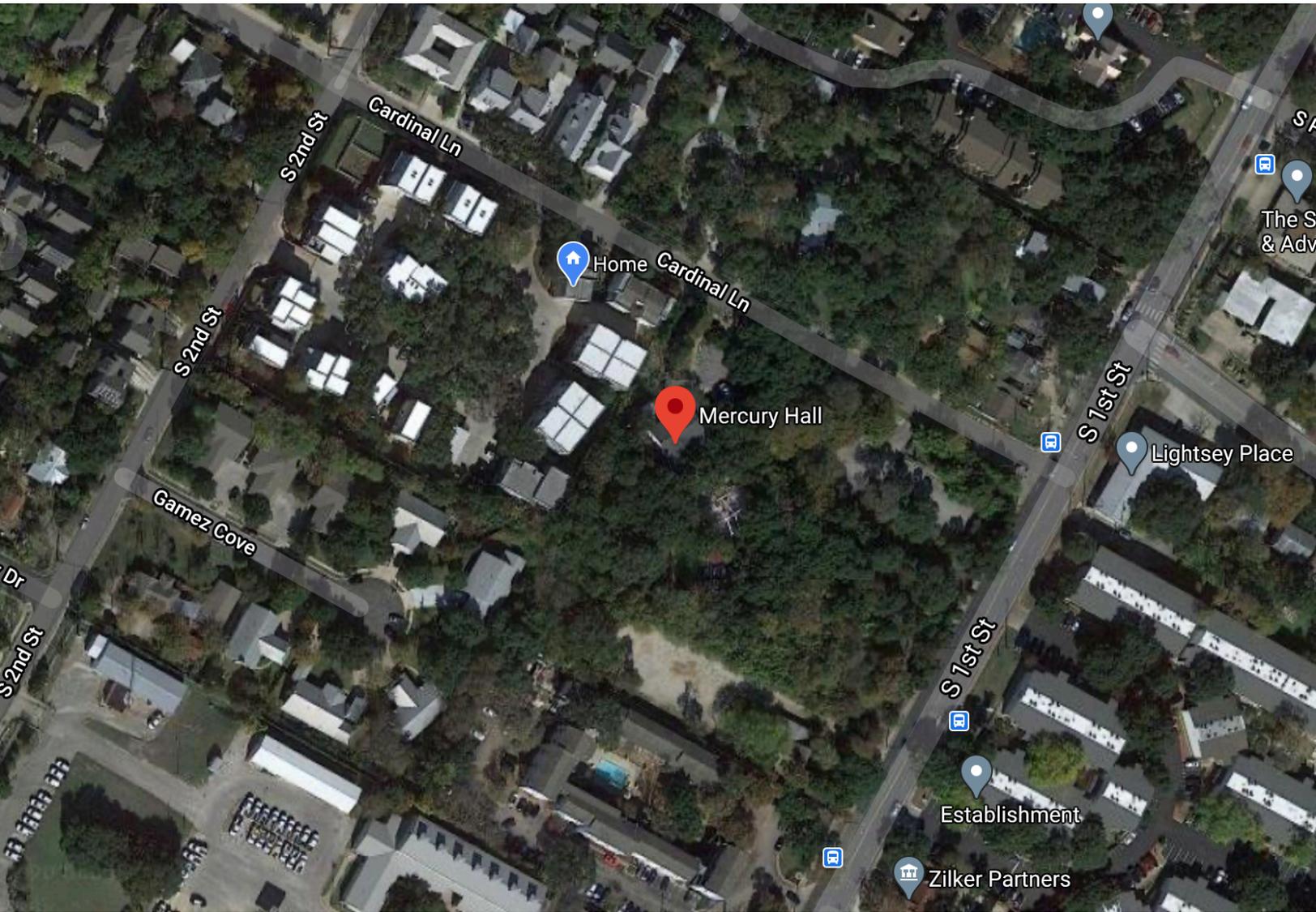
20:09:13 From michelle amriel : Can you speak to how you think this would affect our property value in the area? Please clarify if these are for sale or rentals?

20:10:47 From michelle amriel : @jeff, when did you say you were expecting to break ground for this property?

20:12:57 From Melisa Santillano : I'm concerned about how this will increase traffic on S 1st and Cardinal. If this multi family complex is built, as a neighbor, I'd prefer the 1st floor at least have some coffee shops or restaurants rather than work/live units. This neighborhood could use some more walkable eateries. As far as parking for those establishments why couldn't they just park in allotted spots in the garage since neighborhood parking is not an option.

20:44:55 From Lori Perry : What will become of Mercury Hall itself, will it be sold and moved or demolished?

20:49:37 From Lori Perry : What is the next step? Next meeting with Planning Commission?







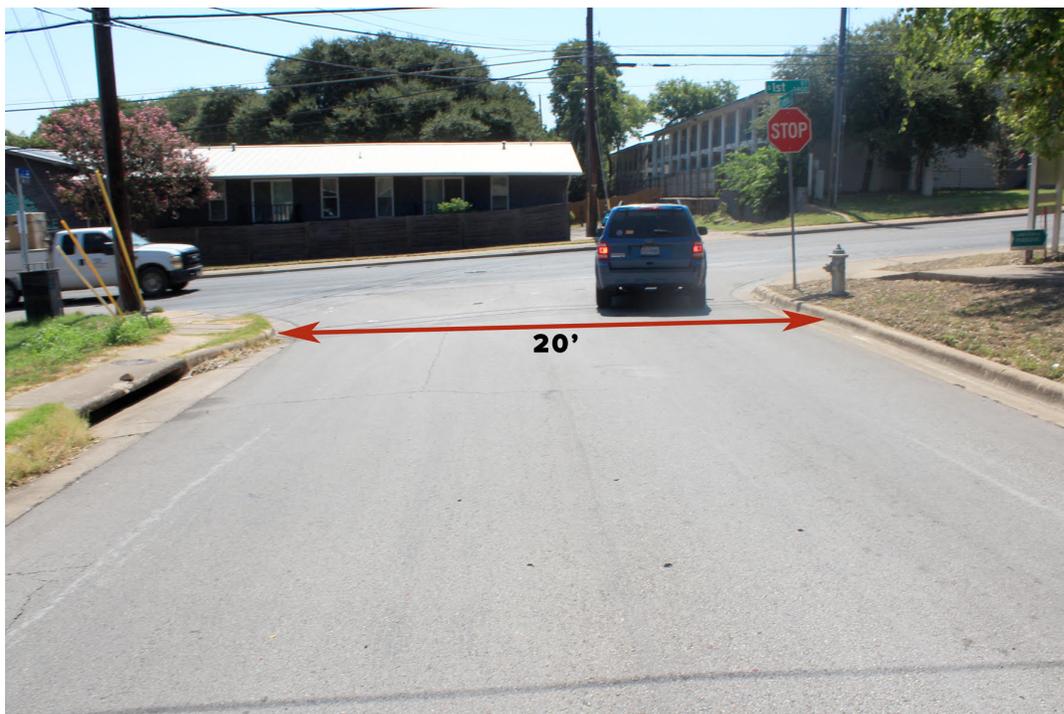




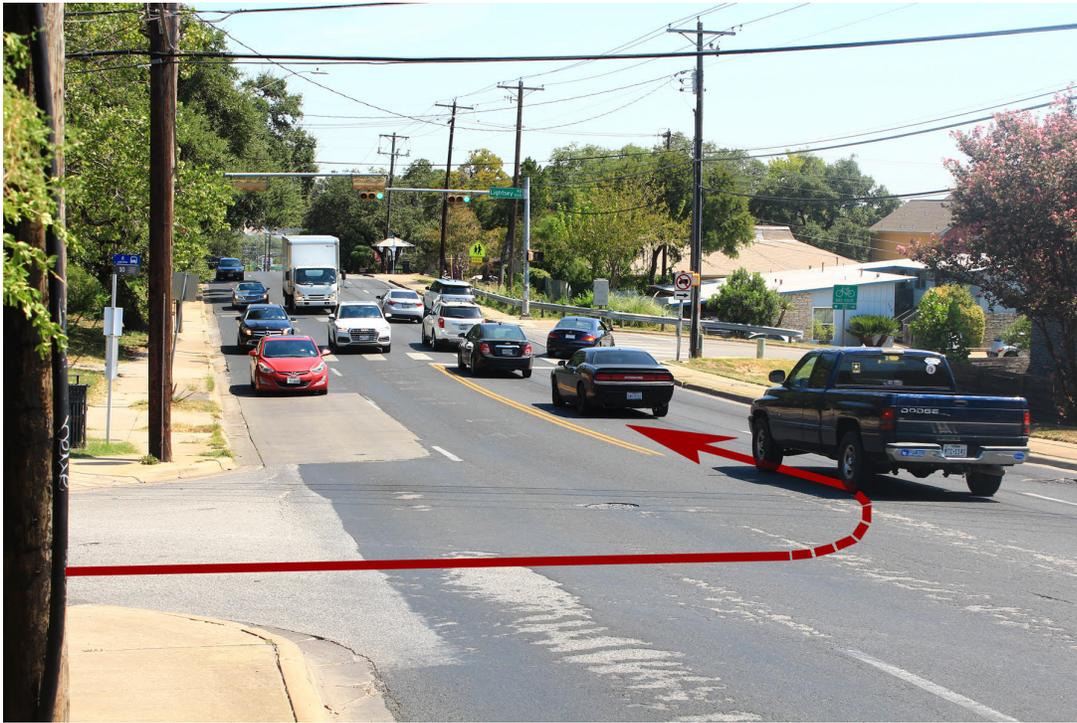
Attached are (6) photos documenting traffic concerns at the proposed Mercury Hall development site.



Cardinal Lane Facing East Towards S. 1st. - Road narrows and hill crests



Cardinal Lane Facing East Towards S. 1st - Intersection of Cardinal/S. 1st St.



Arrow Depicts Difficult Left Turn from Cardinal Lane onto S. 1st St.



View of S. 1st St. from 3504 S. 1st St.



View of S. 1st St. from 3504 S. 1st St.



View of S. 1st St. from 3504 S. 1st St.